

# MEMORANDUM

# State of Alaska

Department of Transportation & Public Facilities  
Statewide Design & Engineering Services Division

TO: Distribution

DATE: November 3, 2011

Superseded by directive, April 18, 2012.

TELEPHONE: 465-6958

FAX: 465-2460

FROM: Roger Healy, P.E.  
Chief Engineer



SUBJECT: CE Directive – Construction  
General Permit dredge/fill  
interim guidance

The 2011 Alaska Construction General Permit (ACGP) is unclear regarding ACGP coverage for areas also covered under a U.S. Army Corps of Engineers CWA Section 404 permit. Specifically, the ACGP states that storm water discharges are not authorized under the ACGP if they are “Discharges of dredged or fill material into waters of the U.S. requiring federal authorization in a U.S. Army Corps of Engineers CWA Section 404 permit.”

We are coordinating with Alaska Department of Environmental Conservation for clarification but the issue is still unresolved. In the interim, please take the following steps on applicable projects.

### For projects with an active status NOI for the ACGP

If the NOI was filed under the 2010 ACGP and the project will be active past November 27, file a NOI for coverage under the 2011 ACGP. Reduce the acreage by subtracting the Section 404 acreage when you file the 2011 ACGP NOI. Continue to protect storm water in the same way, keeping the Section 404 acreage in the SWPPP, covered with BMPs and inspected.

If the NOI is active under the 2011 ACGP:

- If the acreage authorized under Section 404 is NOT included in the ACGP NOI acreage, do not modify the NOI. However, ensure the contractor includes the total project disturbed acreage (including the Section 404 acreage) in the SWPPP, inspection reports, and implementation of appropriate BMPs.

- If acreage authorized under Section 404 IS included in the ACGP NOI acreage, modify the NOI to remove those acres, but ensure the contractor includes the total project disturbed acreage (including the Section 404 acreage) in the SWPPP, inspection reports, and implementation of appropriate BMPs.

For projects that have not filed a NOI yet

To calculate the acreage of the NOI, subtract the acreage authorized under Section 404 from the total project disturbed acreage. Keep records of the calculation details for three years. In the specifications, require the contractor to include the total project disturbed acreage (including the Section 404 acreage) in the SWPPP, inspection reports, implementation of BMPs and all other aspects of compliance with the ACGP.

After subtracting the Section 404 acreage from the total project disturbed acreage, if the result is less than one acre then do not file a NOI for the ACGP. Insert and ensure compliance with all of the other ACGP requirements in the specification (SWPPP, inspection reports, logs, BMPs, corrective actions, etc.)

Distribution:

Joel St. Aubin, P.E., Director, Statewide Facilities MS 2530  
Janet L. Brown, P.E., Preconstruction Engineer, Northern Region MS 2550  
Charles Correa, P.E., Construction Chief, Southeast Region MS 2506  
Tim Croghan, P.E., Construction Engineer, Central Region MS 2525  
Longin Krol, P.E., Construction Chief, Northern Region MS 2550  
James Lowell, P.E., Construction Chief, Southeast Region MS 2506  
Kenneth M. Morton, P.E., Preconstruction Engineer, Central Region, MS 2525

cc: Mark Neidhold, P.E., Chief Design & Construction Standards MS 2500